

REMARKS

Claims 1-7 and 9-37 are pending. Claim 1 is amended to incorporate the subject matter of claim 8. Accordingly, claim 8 is cancelled.

IDS Objections

A supplemental IDS and PTO-1449 citing the references identified in the Office Action is filed concurrently herewith. Consideration of the cited references and return of an initialed copy of the PTO-1449 with the next communication is respectfully requested.

Objections to the Drawings Overcome

Corrected drawings, in the form of a Replacement Sheet are filed concurrently herewith.

Section 102(b) Rejection Overcome

Claims 1-37 currently stand rejected under 35 U.S.C. § 102(b) as anticipated by USPN 6234167 (Cox). The Office Action states that Cox discloses Applicant's claimed dispenser device for use in the delivery of a multi-component combination medicament. Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to recite that device comprises a first release means and at least one further release means "wherein the first release means and the at least one further release means are coupled together."

Cox neither discloses nor suggests a device having a first release means and a further release means coupled together. While the Office Action states that claim 8 is rejected, no rationale for the rejection of this claim is provided. There is not indication in the Office Action of where Cox teaches this element.

To the contrary, Applicants respectfully submit that Cox teaches away from the instantly claimed invention by describing valves (i.e., release means) wherein "[i]f desired or necessary, the valve 35 and the valve 135 can be opened and closed at different times." See, Cox, col. 8, lines 64-66. This teaching indicates that the valve 35 and the valve 135 are not coupled together. None of the Cox Figures depict a device wherein the two valves are coupled together. Accordingly, Cox fails to disclose or suggest all of the

elements of claim 1 and therefore does not anticipate the claimed invention. Withdrawal of the section 102(b) rejection of claim 1 and all claims that depend therefrom is respectfully requested on this basis. Applicant expressly reserves the right to argue the separate patentability of one or more of these dependent claims at a future date.

Section 103(a) Rejection Overcome

Claims 11-22 and 24-36 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of USPN 6559168 to Marfat et al. The Office Action states that Cox teaches the device, but does not expressly disclose the recited medicaments. The Office Action concludes that the medicaments were well known at the time of the invention and that Marfat discloses all of the medicaments. Applicant respectfully traverses this rejection.

As pointed out above, Cox neither discloses nor suggests Applicant's claimed device. Marfat does not overcome the deficiencies of Cox. Specifically Marfat neither discloses nor suggests a device comprising a first release means and at least one further release means wherein the first release means and the further release means are coupled together. The combination of Cox and Marfat still does not disclose or suggest all of the elements of the claimed invention, particularly the first and further release means coupled together. Accordingly, the instantly claimed invention is patentable over the combination of the cited references and withdrawal of this rejection is respectfully requested. Applicant expressly reserves the right to argue the separate patentability of the dependent claims at a future date.

Double Patenting Rejections Overcome

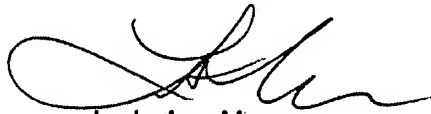
Claims 9-23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 37, 61-66, 71 and 72 of copending Application No. 10/502,519. Inasmuch as the foregoing amendment incorporates into claim 1, the subject matter of claim 8, which was not rejected on this ground, it is respectfully submitted that this rejection is moot.

The rejection of claims 1, 9-11, 13, 14, 16, 23-37 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9, and 18-22 of

copending Application No. 10/522,325 is moot for the same reasons. Withdrawal of all double patenting rejections is therefore respectfully requested.

All claim rejections being addressed in full, Applicant respectfully requests the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance.

Respectfully submitted:



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